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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,354	03/22/2004	Kazuhiro Hattori	119180	9010
25944 7590 12/17/2007 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER WATKO, JULIE ANNE	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 12/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/805,354

Applicant(s)

HATTORI ET AL.

Examiner

Julie Anne Watko

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5,9-12 and 16-27 is/are pending in the application.
- 4a) Of the above claim(s) 16,17 and 19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-27 is/are allowed.
- 6) ☒ Claim(s) 1,5 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 9 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/21/2007, 10/22/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 10/09/2007. These drawings are acceptable.

### *Claim Rejections - 35 USC § 112*

2. The indefiniteness rejections have been overcome by cancellation.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 5 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitamura (JP 57-3228 A).

As recited in claim 1, Kitamura shows a magnetic recording medium (see Fig. 1) comprising a magnetic layer (including 21) which is sectioned into a plurality of data areas (200, for example) and a plurality of servo areas (B0, for example) for information recording, wherein: in each of the servo areas, the magnetic layer (B0, for example) is separated into a plurality of servo pattern unit parts (100 and 110 and 120 taken together, for example) forming a predetermined servo pattern and a servo pattern peripheral part (see especially Fig. 2) surrounding the servo pattern unit parts (100, 110, 120, for example); and each of the servo areas has only a single, integral servo pattern peripheral part (see especially Fig. 2); the servo pattern peripheral part is composed of (but not necessarily consisting of) a single magnetic element (including 22); each of the servo pattern unit parts (100 and 110 and 120 taken together, for

example) includes a set (100 and 110 and 120 for example) of a plurality of servo pattern unit components (100, 110 or 120, for example); and the servo pattern unit components and the servo pattern peripheral part are formed in different sizes (see appearance in the figures) so as to have different magnetic properties.

As recited in claim 5, Kitamura shows that the servo pattern components (100, 110 or 120, for example) and the servo pattern peripheral part are formed in different sizes so as to have different coercivities (22 is disclosed as “magnetization facilitating magnetic body” or “easily magnetized magnetic body”, such that the peripheral part is more easily magnetized than the components).

As recited in claim 10, Kitamura shows that the servo pattern unit components and the servo pattern peripheral part are formed in different sizes so as to have different residual magnetizations (21 is disclosed as “high maintenance magnetic body” or “high retention magnetic body”, so that the components have higher residual magnetization than the peripheral part).

As recited in claim 11, Kitamura shows that in each of the data areas (200 and 210, or 201 and 211, for example), the magnetic layer is physically separated into a number of recording elements (200 and 210, for example).

As recited in claim 12, Kitamura shows that the servo pattern unit components and the servo pattern peripheral part are magnetized in opposite polarities (22 is converted into a given magnetic polarity by an external magnetic field less than a stated strength; however, 21 has higher residual magnetization and is not magnetized into said given polarity).

***Allowable Subject Matter***

5. Claims 9 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 21-27 are allowed.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 5 and 10-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Anne Watko whose telephone number is (571) 272-7597. The examiner can normally be reached on Mon & Fri, 9:30AM to 7:30PM, Tues-Thurs after 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Julie Anne Watko  
Primary Examiner  
Art Unit 2627

December 14, 2007  
JAW

A handwritten signature in black ink, appearing to read 'JAW', is written over the printed name and title of the examiner.